

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MANGANIELLO,

Plaintiff,

**NOTICE OF MOTION**

-against-

THE CITY OF NEW YORK,

**07 CV 3644 (HB)**

Defendants.

(oral argument requested)

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**PLEASE TAKE NOTICE** that that upon the Declaration of Mark D. Zuckerman dated June 5, 2008 and the exhibits annexed thereto; the Memorandum of Law dated May 27, 2008; and upon all prior pleadings and proceedings had herein, defendants move this Court in limine before the Honorable Harold Baer, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined for the following orders:

1. Limiting plaintiff's evidence to the issue of whether there was fraud by defendants in connection with evidence presented to the Grand Jury by ADA Christine Scaccia;
2. Excluding evidence of the so-called missing box as irrelevant to whether there was fraud in connection with the Grand Jury proceedings;
3. Excluding treatment of plaintiff when he was initially questioned on February 12, 2001 by NYPD detectives;
4. Excluding testimony by plaintiff's brother Mario Manganiello;
5. Excluding evidence of plaintiff's sister's and mother's presence when he was arrested;

6. Excluding evidence by plaintiff that Parkchester maintenance worker Walter Cobb is a drunk, liar and thief;

7. Excluding the audiotape of 911 transmissions and the Sprint report;

8. Excluding comments and rulings by Acting Supreme Court Justice Patricia Anne Williams regarding whether the People could establish a prima facie case for murder;

9. Excluding evidence of the Bronx District Attorney's Office's agreement with confidential informant Terrence Alston;

10. Excluding evidence of why Terrence Alston and Michael Booth were not arrested and charged;

11. Excluding testimony by Sal Miro;

12. Excluding evidence of the book "Notorious Cop," written by defendant Derek Parker;

13. Excluding disciplinary histories and prior lawsuits against the defendant officers;

14. Excluding testimony by plaintiff's expert Steve Colangelo;

15. Bifurcating the issues of liability and damages;

16. Excluding testimony and evidence by plaintiff's experts Dr. Latif and Dr. Tinari;

17. Excluding evidence of plaintiff's Notice to Admit to defendants;

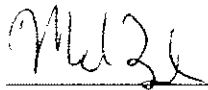
18. Excluding plaintiff's designations of criminal court trial testimony;

19. Admitting plaintiff's disciplinary and employment records;

and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
June 5, 2008

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City of New York  
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By:   
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Mark D. Zuckerman  
Senior Counsel